

## **REMARKS**

Claims 1-17 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

## **SPECIFICATION**

The abstract stands objected to as exceeding 150 words. Applicant(s) have amended the abstract according to the Examiner's suggestions.

## **THE REJECTIONS UNDER 35 U.S.C. § 102 AND 35 U.S.C. § 103**

Claims 1, 3-5, 10-11 and 14-15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Suzuki (U.S. Pat. No. 6,362,411). Claims 2, 7-8, 13 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Suzuki (U.S. Pat. No. 6,362,411) and Matsuda (U.S. Pat. No. 5,864,079). Claims 6, 12 and 16 are rejected over Suzuki and Hayakawa (U.S. Pat. No. 5,326,930). Claim 9 stands rejected over Suzuki, Matsuda and Hayakawa in combination. These rejections are respectfully traversed.

## **APPLICANTS' APPARATUS CLAIMS (1-9)**

Applicants' performance information edit and playback apparatus is characterized in that a desired constituent part is selected by the user from among a plurality of constituent parts forming the style data. Notably, this style data represents the accompaniment and can be written into the specific part designated by the user within the user's performance data (the performance data being created by the user).

Suzuki discloses executions, such as bend-up, choking and vibrato, that are imparted to musical tones selected from among performance data. However, this *execution data* is completely different from applicants' style data representing the accompaniment that is written into the user's performance data created by the user. Hence Suzuki completely fails to teach or suggest the aforementioned features of the subject invention.

In order to more fully distinguish the applicants' invention in this regard, independent claims 1 and 7 have been amended to make it more clear that applicants' style data represents accompaniment. Thus claims 1 and 7, and all claims dependent thereon are now believed to be in a condition for allowance.

Applicants' performance information edit and playback apparatus is further characterized in that the selector selects either: (a) a part of the user's performance data, or (b) a prescribed constituent part forming the style data. The selected part of the user's performance data (selection a) or the prescribed part of the style data (selection b) selected by the user is subjected to playback together with the user's performance data, *excluding* the foregoing part of the user's performance data.

Suzuki shows in FIG. 9 that step S2 designates selection of a part of an envelope of sound, such as an attack, body, and release, and that step S4 designates selection of an execution step, and that step S6 designates selection of a single execution icon. All of this, however, does not match the operation of the selector of the subject invention, in which either a part of the user's performance data or the prescribed constituent part of the style data is being selected. Of course, Suzuki completely fails to teach or suggest the aforementioned point of the subject invention, in which *either* the selected part of the

user's performance data *or* the prescribed constituent part of the style data selected by the user is *subjected to playback together with the user's performance data excluding the foregoing part of the user's performance data.*

Accordingly, it is submitted that claim 4 and all claims dependent thereon fully distinguish the applicants' invention from Suzuki.

Yet another aspect of the applicants' invention is directed to the behavior of the start switch. Upon the user's operation of the record switch and the start switch, a specific part arbitrarily selected from among the user's performance data is subjected to recording. When a recording part (i.e., a performance part set to a record mode) exists in multiple performance parts forming the user's performance data, the start switch is changed in its displayed manner.

Hayakawa discloses LED lighting patterns being changed in response to each of the states of punch-in record modes in a musical data processing machine. However, Hayakawa completely fails to teach or suggest the aforementioned point, in which the applicants' invention is able to discriminate when a recording part (i.e., a performance part set to a record mode) exists in multiple performance parts forming the user's performance data. Upon such discrimination the switch for designating recording is changed in display manner. Suzuki also fails to teach or suggest this point.

Accordingly, independent claim 6 has been amended to more fully distinguish the applications' invention in this regard. Claim 6 now more fully recites that the record mode discriminator discriminates whether a recording part representing a performance part set to a record mode exists within said multiple parts forming the user's performance data. In addition, the display manner changer has been amended to more

fully recite that it changes a display manner of the start switch in response to a discrimination result.

**APPLICANTS' METHOD CLAIMS (10-13) AND MACHINE-READABLE MEDIA CLAIMS (14-17)**

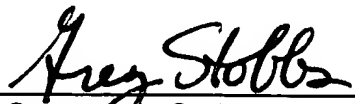
Claims 10-13 and 14-17 have been amended in a manner consistent with those discussed above in connection with the apparatus claims. Accordingly, is applicants' belief that claims 10-17 now fully distinguish the applicants' inventive concepts from the art of record.

**CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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